

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JAMES P. SCOTT,

Plaintiff,

1:22-cv-500 (BKS/CFH)

v.

DINAH M. CROSSWAY, ESQ., et al.,

Defendants.

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**Appearances:**

*Plaintiff pro se:*

James P. Scott

Tampa, FL 33635

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff pro se James P. Scott filed this action asserting causes of action under 42 U.S.C. § 1983 and state law and seeking leave to proceed in forma pauperis (“IFP”). (Dkt. Nos. 1, 2). This matter was referred to United States Magistrate Judge Christian F. Hummel who, on November 3, 2022, issued a Report-Recommendation and Order granting Plaintiff’s application to proceed IFP and recommending that: Plaintiff’s claims against Defendant, the Honorable Frank P. Milano, be dismissed under the *Rooker-Feldman* doctrine<sup>1</sup> and as barred by sovereign and judicial immunity; Plaintiff’s claims against Defendants Dinah M. Crossway, Esq. and the “Unknown State Actors” be dismissed as barred by the statute of limitations; Plaintiff’s official and individual capacity claims against Attorney Crossway be dismissed as barred by sovereign

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<sup>1</sup> *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

immunity and absolute immunity, respectively; Plaintiff's Fourteenth Amendment claims against the "Unknown State Actors" be dismissed for failure to state a claim; and the Court decline to exercise supplemental jurisdiction and dismiss any remaining state law claims. (Dkt. No. 6). Magistrate Judge Hummel advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 28). Following the issuance of the Report-Recommendation, Plaintiff notified the Court of a change of address and requested an extension of time to file objections, which was granted. (Dkt. Nos. 7, 8, 9). Plaintiff did not file any objections to the Report-Recommendation.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 6) is **ADOPTED**; and it is further

**ORDERED** Plaintiff's federal claims against Dinah M. Crossway and the Unknown State Actors are **DIMISSED with prejudice**; and it is further

**ORDERED** that Plaintiff's claims against Frank P. Milano are **DIMISSED without prejudice and without leave to amend**; and it is further


**ORDERED** that Plaintiff's state law "civil fraud" claims against Dinah M. Crossway and the Unknown State Actors are **DIMISSED without prejudice**; and it is further

**ORDERED** that the Clerk enter judgment and close this case; it is further

**ORDERED** that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: January 4, 2023  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge